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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,664	06/25/2003	Tsuguo Satoh	000004.00679	1982
27557	7590	06/29/2005	EXAMINER	
BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037			PETKOVSEK, DANIEL J	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/602,664

Applicant(s)

SATO ET AL.

Examiner

Daniel J. Petkovsek

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on election requirement April 20, 2005.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) 7 and 8 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4, 9, and 10 is/are rejected.  
7) ☒ Claim(s) 5 and 6 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on June 25, 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/15/04.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This office action is in response to the election of Group I, namely claims 1-6. Claims 1-10 are pending.

#### ***Election/Restrictions***

1. Applicant's election with traverse of claims 9-10 in the reply filed on April 20, 2005 is acknowledged. The traversal is on the grounds that the Examiner made a mistake and incorrectly grouped claims 9 and 10 with Group II (namely claims 7-8). This is found persuasive, since the previous Examiner (Justin Fischer) made a typo in the requirement for restriction mailed February 11, 2005. Claims 9 and 10 are dependent upon claim 2, and belong with Group I.

As such, the traversal was correct, and claims 1-6, 9, and 10 (Group I) are under examination.

2. Claims 7 and 8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 20, 2005.

#### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

4. The prior art document submitted by Applicant in the Information Disclosure Statements filed on April 15, 2004, has been considered and made of record (note attached copy of forms PTO-1449).

*Drawings*

5. The original drawings filed June 25, 2003 are acknowledged.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 11305063A (Seiko).

JP 11305063A teaches (ABS, Figs. 1 and 2) a ferrule heating apparatus configured to allow one end side of an optical fiber F2 to be inserted into an optical fiber through hole (recess/space) in a ferrule F1, and to heat the ferrule while having a thermosetting adhesive agent between the optical fiber F2 and the ferrule F1, in order to adhere the two components together, the ferrule heating apparatus comprising: a thermally conductive holder 6 having a plurality of ferrule housing portions (see Figures) for aligning and housing the ferrules F1, a holder heating unit 4 configured to support and heat the holder 6, and a control unit 8 configured to supply electricity to the holder heating unit 4 and to control heating temperatures of the holder heating unit 4, the control unit being disposed separately from the holder heating unit 4 (see Figures), which clearly, fully meets Applicant's claimed limitations.

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-4, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11305063A.

JP 11305063A teaches (ABS, Figs. 1 and 2) a ferrule heating apparatus configured to allow one end side of an optical fiber F2 to be inserted into an optical fiber through hole (recess/space) in a ferrule F1, and to heat the ferrule while having a thermosetting adhesive agent between the optical fiber F2 and the ferrule F1, in order to adhere the two components together, the ferrule heating apparatus comprising: a thermally conductive holder 6 having a plurality of ferrule housing portions (see Figures) for aligning and housing the ferrules F1, a holder heating unit 4 configured to support and heat the holder 6, and a control unit 8 configured to supply electricity to the holder heating unit 4 and to control heating temperatures of the holder heating unit 4, the control unit being disposed separately from the holder heating unit 4.

JP '063 does not *explicitly* teach that the holder 6 and the holder heating unit 4 are adjustable/inclinable/changeable (claims 2, 3, and 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make these components adjustable (i.e. able to be inclined, freely fitted and detached, changeable), since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954). These claimed adjustment limitations are viewed as obvious design choices over the prior art to JP '063.

Regarding claims 4 and 10, JP '063 does not *explicitly* teach a "thrusting mechanism" configured to align the ferrule for retention such that a surface to be heated contacts a ferrule

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heating portion. Although not explicitly disclosed in the abstract portion, JP '063 must have an alignment means that aligns the ferrule in the proper manner to ensure proper function, and a person having ordinary skill in the art at the time the invention was made would have recognized the similarity in the art. Although it may not have “thrusting” forces, it is clearly suggested from the reference that an alignment means is necessary for configuration of alignment of the ferrule, which is equivalent in the art for the claimed purpose of claims 4 and 10.

It is noted that the specific components of the thrusting mechanism, as in claims 5 and 6, have been indicated as being allowable if included in the independent claim 1 with any intervening claims (4).

#### *Allowable Subject Matter*

10. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The relevant prior art of record does not teach or reasonably suggest the specific properties of the thrusting mechanism (elasticity) and the mechanism having a curved surface to affect pressurization and regulation of position.

#### *Inventorship*

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, with respect to the state of the art of fiber/ferrule heating apparatuses: PTO-892 form references A-D, O, and P.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Petkovsek whose telephone number is (571) 272-2355. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Petkovsek  
June 21, 2005



AKM ENAYET ULLAH  
PRIMARY EXAMINER